IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1246 OF 2002

Hemal Sharad Dadia Petitioner
versus
The State of Maharashtra & anr. Respondents

R.D.Dave i/by M/s.N.N.Vaishnava & Co. for petitioner.
Smt.Vaishali Raje for respondent no.2.
Smt.M.M.Deshmukh, APP for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 21th September 2006

PC :

1. Writ petition is heard forthwith by consent. It is directed against the order passed by the Revisional Court on interim applications in revision proceedings. The revision proceedings are directed against the order on application for maintenance claimed u/s 125 of the Cr.P.C.. The petitioner-husband being aggrieved by the fact that the learned Magistrate has awarded maintenance to the second respondent wife, has challenged those orders in revision application.

2. The learned Judge proceeded to reject the

application for interim stay and that is how this Court's jurisdiction under Article 227 of the Constitution of India R/W Section 482 of Cr.P.C. is invoked.

3. Shri Dave appearing for the petitioner after taking instructions from the petitioner makes a statement that all arrears of maintenance as directed under the order of Magistrate, have been cleared today. He makes a further statement that the petitioner would continue to pay monthly maintenance as awarded under the order, of course without prejudice to his rights and contentions in the revision proceedings.

4. If proof of such payment including month to month is produced before the Revisional Court, the Revisional Court to restore the revision application to file and hear it as expeditiously as possible and in accordance with law. It is clarified that the petition before this Court is against the interim order and therefore, this Court has not gone into the merits of the matter including maintainability of the revision petition. All contentions of both sides on merits as well as on maintainability are kept open. Revision application to be heard and

decided within a period of three months from the date of receipt of a copy of this order.

5. Writ petition disposed of accordingly.

(S.C.DHARMADHIKARI, J.)